

SERVICE DATE - SEPTEMBER 8, 2000

31173

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-33 (SUB-NO. 148X)

UNION PACIFIC RAILROAD COMPANY - ABANDONMENT EXEMPTION - IN
COQUILLE, COOS COUNTY, OREGON.

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) and Central Oregon & Pacific Railroad, Inc. (CORP), (collectively, the Applicants) have filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903, UP's abandonment and CORP's discontinuance of service, in connection with the abandonment of its railroad line located between milepost 785.50, and milepost 786.50, a total distance of approximately 1 mile in Coquille, Coos County, Oregon, which traverses through United States Postal Code 97423. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The north-south line proposed for abandonment traverses a flat urban area, and abuts Oregon Highway 42 and the Coquille River, in Coquille, Coos County, Oregon. According to the Applicants, the only structure on the line is an open deck wooden bridge built in 1911. The bridge was damaged by fire in 1998. The Applicants state that they cannot economically justify the cost of repairing the fire damaged bridge.

Currently, there are two shippers on the line, Ron's Oil Company (Ron's Oil) which ships propane, and Western Helicopter Services, Inc. (Western Helicopter) which ships urea fertilizer. Annual carloads moving along the proposed right-of-way since 1998 are as follows:

<u>YEAR</u>	<u>Ron's Oil</u>	<u>Western Helicopter</u>	<u>Total</u>
1998	8	17	25
1999	0	9	9
2000 (YTD)	0	8	8
			Total shipments = 42

Alternative modes of transportation are available for the two remaining patrons on the Line through the extensive highway network or a nearby CORP rail yard location. According to the Applicants, Western Helicopter has elected to move its transshipments to the nearby CORP yard in Coos Bay, OR, and Ron's Oil has either stopped moving its traffic or the traffic has been diverted to truck. Consequently, both patrons should be unaffected by the proposed abandonment.

ENVIRONMENTAL REVIEW

The Applicants have submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service (US FWS), State Historical Society of Oregon, National Geodetic Survey, National Park Service, U.S. Department of Agriculture, Coastal and Ocean Management Program, Oregon Department of Environmental Quality (Oregon DEQ), Oregon Department of Fish and Wildlife (Oregon DFW), Oregon Department of Transportation, Coos County Board of Commissioners, Coquille City Manager.

The Oregon DEQ has expressed concern regarding abandonment and salvage activity occurring within the proposed project area, contending that removal of the fire damaged bridge is likely to cause discharge into waters of the U.S., requiring a Section 404 and 401 permit, which is administered by the US Army Corp of Engineers, pursuant to the Clean Water Act. In addition, Oregon DEQ advises that abandonment and salvage activity along the

right-of-way may be considered jurisdictional under the Oregon Removal-Fill law administered by the Oregon Division and State Lands, and may require appropriate permits from the state.

Further, both the US FWS and the Oregon DFW have concluded that salvage of the of the right-of-way, without proper attention and maintenance to the culvert located at Dutch John Creek, could impede the passage and spawning of coho salmon, a Federally listed endangered species. Additionally, the US FWS and the Oregon DFW request that the fire damaged bridge, and any associated fill, be removed to eliminate any possible threat to Federally protected species from wood treated chemicals associated with this structure.

The City of Coquille has expressed interest in acquiring a portion of the right-of-way to continue the City's revitalization effort for the downtown Coquille area. The US FWS encourages UP to consider donating the entire right-of-way to the City for use as a public greenway connected to Sturdivant Park.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. The Oregon Department of Environmental Quality (Oregon DEQ) has indicated that it has reviewed the information on the proposed abandonment and discontinuance of the 1-mile rail line located in Coquille, Oregon, and has determined that salvage of the right-of-way is likely to cause a discharge into U.S. water that would require a Federal and state permit under Sections 404 and 401 of the Clean Water Act. Therefore, SEA recommends, that prior to salvaging the right-of-way, the Applicants further consult with (1) the Oregon DEQ, to determine if salvage activity and subsequent discharge into U.S. waters is consistent with Oregon state law and, (2) the U.S. Army Corps of Engineers, to determine if a Section 404 and 401 permit is required under the Clean Water Act.
2. The U.S. Fish and Wildlife Service (US FWS) and the Oregon Department of Fish and Wildlife (Oregon DFW) have expressed concern regarding abandonment and subsequent salvage activity, indicating that abandonment and improper salvage of the right-of-way may negatively impact Coho salmon, a Federally listed endangered species. Therefore, SEA recommends, that the Applicants consult with the US FWS and the Oregon

DFW, prior to abandonment and salvage activity to develop an appropriate mitigation plan for removing the culvert located at Dutch John Creek, and for removing the train trestle and any associated fill located at milepost 785.96.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended conditions, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 148X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

Date made available to the public: 9/08/00.

Comment due date: 10/10/00.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachments

PLEASE SCAN MAP